

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff,

v.

301 ADAMS STREET, QUINCY,
MASSACHUSETTS; 1548-1558
DORCHESTER AVENUE, DORCHESTER,
MASSACHUSETTS; and FIVE (5)
CERTAIN PARCELS OF LAND WITH THE
BUILDINGS(S) THEREON IN BROCKTON
PLYMOUTH COUNTY, MASSACHUSETTS,
COMMONLY KNOWN AS 11 ROSSETER
STREET, 16 ROSSETER STREET,
213-223 NORTH MAIN STREET, 204
NORTH MONTELLO STREET, AND 227
NORTH MAIN STREET, INCLUDING ALL
APPURTENANCES AND IMPROVEMENTS
THEREON,

Defendants.

) FILED EX PARTE AND UNDER SEAL

) Civil Action No.

04 - 12582

FILED
CLERKS OFFICE
2004 DEC -9 P 3:51
U.S. DISTRICT COURT
DISTRICT OF MASS.

MOTION TO IMPOUND

The United States of America, by and through its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves to seal, pursuant to Local Rule 7.2, this Motion to Impound and the following documents filed herewith except as to employees and agents of the United States Attorney's Office for the District of Massachusetts, and any law enforcement officers involved in the investigation:

1. Verified Complaint for Forfeiture In Rem, including attached affidavit;
2. Motion for Ex Parte Finding and Endorsement of Memoranda of Lis Pendens; and
3. three proposed Lis Pendens.

The United States requests that any such Order not preclude disclosure of such documents by employees and agents of the United States Attorney's Office for the District of Massachusetts, any law enforcement officers involved in the investigation, or the United States Marshal for the District of Massachusetts or his officers and agents, as necessary to:

1. record any endorsed lis pendens with the appropriate registry of deeds; or
2. serve any endorsed lis pendens on the property owners.

As required by Local Rule 7.2, this Motion is supported by good cause, as detailed in the Verified Complaint for Forfeiture in Rem and accompanying affidavit of Special Agent Brad Carpenter of the Federal Bureau of Investigation, because disclosure of these documents could jeopardize an ongoing grand jury investigation. The requested impoundment is intended only to preserve the status quo until the grand jury has had an opportunity to review the criminal case against Tina Le, Misa Tang, Mercedes Tang, Steven Nguyen and others, and make a determination concerning Indictment, and in order to preserve grand jury secrecy to the maximum possible extent.

Due to the need to maintain grand jury secrecy while this investigation continues, the United States at this time does not request that the Court endorse a Warrant and Monition, directing the United States Marshals Service to serve and publish notice of

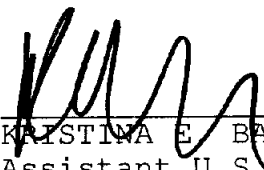
this forfeiture action. Rather, when the United States moves to unseal the accompanying documents, it will file a Warrant and Monition for the Court's consideration. Because a lis pendens does not constitute a restraint, but rather is simply a notice provision, any interested parties shall suffer no harm by the delay in service of the accompanying documents.

WHEREFORE, the United States respectfully requests that this Court impound this Motion and the items listed herein until further Order of the Court.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:


KRISTINA E. BARCLAY
Assistant U.S. Attorney
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Dated: December 9, 2004

APPROVED AND SO ORDERED:

United States District Judge
Date: _____, 2004